

# Article 139 Claims

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An Article 139 claim allows commanders, under Article 139 of the UCMJ, to investigate allegations of wrongful taking or willful damage to property by Soldiers. In some circumstances, the Article 139 process allows the commander to direct finance to pay a victim from the wrongdoer's pay.

## **Examples of inappropriate claims under Article 139:**

- Claims resulting from negligent acts
- Claims for personal injury or death
- Claims resulting from acts of military personnel acting within the scope of their employment
- Claims resulting from the conduct of Reserve component personnel who are not subject to the UCMJ at the time of the offense
- Subrogated claims, including claims by insurers
- Claims for theft of services (claim must be theft of property)
- Claims for indirect damages

If you believe you have an appropriate claim under Article 139, you must submit it within 90 days of the incident. You must provide a written and signed statement that describes the incident and requests a sum in U.S. dollars. You should also attach evidence, in the form of photographs, police reports, receipts, and other documents that support your claim.

You may present your claim to any officer, who will forward it to the Special Court-Martial Convening Authority (SPCMCA) having jurisdiction over the Soldier against whom the claim is made.

If your claim appears to have merit, the SPCMCA will appoint an Investigating Officer (IO). The IO will conduct an investigation and render findings and recommendations regarding this investigation. To hold a Soldier financially liable, the IO must conclude that it is more likely than not that the soldier wrongfully took or willfully damaged your property. After legal review, the SPCMCA will make a final decision regarding payment of the claim, or forward it to a higher authority, depending on the amount claimed.

Regardless of the outcome, both the claimant and the soldier will be notified of the determination and the right to request reconsideration.

You can contact the local claims office or legal assistance office for assistance and guidance with the Article 139 process.

## **Claims filed by location nationals should be sent to:**

US Army Claims  
Service, Europe  
ATTN: AEAJA-CD-ET  
Unit 30010 Box 31  
APO AE 09166